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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	15 Cr. 95 (AJN)
- v. -	:	
	:	
SHAVON WRIGHT,	:	
	:	
Defendant.	:	
-----X	:	

PRELIMINARY STATEMENT

The defendant in this case, Shavon Wright, is scheduled to be sentenced on July 19, 2017. The Government respectfully submits this memorandum in advance of that sentencing and in response to Wright’s sentencing memorandum, which requests a sentence of time served (a little over a year)—a major downward variance from the range of 21 to 27 months’ imprisonment to which the parties agreed in the Plea Agreement. For the reasons that follow, the Government disagrees and respectfully requests that the Court impose a sentence within the stipulated Guidelines range. Wright was a member of the Bloodhound Brim set of the Bloods gang but sold drugs with members of the Big Money Bosses (“BMB” or the “Gang”). He also proudly espoused the Gang’s norms of violence against police and cooperators. A sentence within the Guidelines range is necessary to send the message that selling drugs with a violent street gang will be treated harshly by the Courts.

I. Procedural History

On April 27, 2016, the S2 Indictment in this case was unsealed, charging 63 members and associates of BMB with: (1) racketeering conspiracy, in violation of Title 18, United States

Code Section 1962; (2) narcotics conspiracy, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846; (3) narcotics distribution, in violation of Title 21, United States Code, Section 860; and/or (4) firearms discharge, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

On April 5, 2017, Wright pled guilty to Count One of the S1 Indictment in this case, which charged him with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962. (PSR ¶ 7.)

II. Offense Conduct

A. Background

Beginning in December 2014, the New York City Police Department, the Drug Enforcement Administration, Homeland Security Investigations, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives conducted an investigation into two rival street gangs—BMB and the 2Fly YGz (“2Fly”)—that were operating in the Bronx, New York. The investigation revealed that since at least in or about 2007, up until in or about 2016, members of BMB and 2Fly were involved in a variety of racketeering acts, including murders, attempted murders, robberies, narcotics trafficking, bank fraud, and counterfeit currency offenses.

B. BMB

The structure of BMB is described accurately in the PSR.

BMB was a subset of the “Young Bosses,” or “YBz” street gang, which operates throughout the New York City area. BMB—whose members also sometimes refer to themselves as the “Money Making Mafia” or “Triple M”—operated primarily on White Plains Road from 215th Street to 233rd Street in the Bronx, which is a long stretch of road under a subway train overpass that is hedged on each side by single-family homes and local commercial

establishments. BMB's narcotics trafficking activity was based principally in the vicinity of White Plains Road and 224th Street, an open-air drug spot that was referred to by gang members as the "Forts." BMB members sold drugs and down White Plains Road, however, including at a spot on 219th Street and a house on 230th Street. BMB members sold crack cocaine, marijuana, and prescription pills, including Percocet pills (i.e., oxycodone). BMB members kept firearms at each of these White Plains Road locations. BMB members also operated a drug spot on Boston Road and Eastchester Road in the Bronx, which they refer to as "B Road." BMB members who worked principally at the B Road spot typically refer to themselves as "Blamma." Generally speaking, BMB members were encouraged to continue openly "jacking," or proclaiming their membership in the gang, and many did so not only in person but also through social media websites such as Facebook.

In addition to its narcotics trafficking, BMB members and associates engaged in acts of violence, including shootings, stabbings, and gang assaults; these acts of violence protected the power of the gang, deterred attacks from rivals, and secured the gang's territories and drug spots. Moreover, members who engaged in a sufficient amount of violence could earn a leadership position, which was referred to as a "Big Suit." Members with "Big Suit" status were further subcategorized as, among other things, "Burberry Suits," "Louis Suits," "Gucci Suits," "Ferragamo Suits," and "Sean John Suits," in order to signify their relative rank in the gang. Among other things, a BMB member with "Big Suit" status had the authority to recruit other individuals into the gang. Two of the highest-ranking "Big Suits" in BMB were NICO BURRELL, a/k/a "Zico Nico," and DOUGLAS MCLARTY, a/k/a "Q Don." Both BURRELL and MCLARTY enhanced their status in the gang, in part, by committing attempted murders when they were each juveniles.

Members of BMB rose in status and rank within the gang not only by engaging in acts of violence, but also by maintaining their membership in the gang for a long period of time. Members who were loyal associates for a substantial amount of time are referred to as “Day One Niggas,” meaning that they have been associating with the gang since its earliest days. For example, in a posting on Facebook on July 7, 2013, BMB member RASHEID BUTLER, a/k/a “Rah,” wrote: “i love my Day1 Niggas that was here since this #TripleM Shit 1ST STARTED.” Similarly, BMB leader NICO BURRELL, a/k/a “Zico Nico,” discusses the “Day One” concept in a rap video posted on YouTube in December 2015 and entitled “Live From Gutter.” In the video, BURRELL raps, “No new niggas, only day one / I know they ain’t tellin’ if that day come,” after which another rapper repeats in the background, “no snitchin.”

BMB has, more generally, developed a gang norm against “snitchin,” or cooperating with law enforcement. For example, a BMB associate posted on Facebook on July 20, 2011, “Like QuDOn Said ‘No Snitchin Policy’”; the reference to “QuDOn” is a reference to MCLARTY, who is one of BMB’s leaders and whose alias is “Q Don.” BMB’s norm against “snitchin” was fostered through YouTube videos and social media postings, including postings in which gang members are praised for their refusals to cooperate with law enforcement in particular instances. The norm is also enforced through disparagement of and threats of violence against BMB members who are suspected of having violated the norm by cooperating. During the course of this investigation, law enforcement learned of at least one instance in which a BMB member’s home was fired upon because he made a statement to law enforcement about individuals with whom he had committed a robbery. During another instance, the child of a suspected cooperator in this case was threatened and spat upon in the street. The norm against

cooperation facilitates the gang's criminal enterprise and is one of the reasons why members of BMB tend to commit their robberies and fraud offenses with other members of BMB.

Many of the specific acts of violence committed by BMB members related to its longstanding rivalry with 2Fly, which is based principally in the nearby Eastchester Gardens public housing development ("Eastchester Gardens"), but which also has members who live in the "Valley" area just east of BMB's "B Road" spot on Boston Road and Eastchester Road. BMB also has developed rivalries with other street gangs in the northern Bronx, including the "Young Shooter Gang," or "YSGz," which is based in the Edenwald public housing development ("Edenwald"), and the "Slut Gang," which is based in the Boston-Secor public housing development ("Boston-Secor"). In connection with these rivalries, BMB members developed a practice of "mobbing," meaning to gather in large groups and travel to the base of operations of a rival gang to engage in violence there. Members of rival gangs also sometimes went "mobbing" and attack or attempt to attack BMB at its bases of operations. Videos of "mobbing" incidents were posted on YouTube. The close proximity of the BMB, 2Fly, YSGz, and Slut Gang bases of operations—all of which are in or on the border of the New York City Police Department's 47th Precinct—contributed to the frequency of acts of violence.

In addition to acts of violence, members and associates of BMB promoted their gang and disparaged rival gang members by highlighting a distinguishing feature of BMB: it is not based in a housing development, as are its principal rivals 2Fly (in the Eastchester Gardens), YSGz (in Edenwald), and the Slut Gang (in Boston-Secor). As noted above, BMB principally operated along White Plains Road, a long stretch of road hedged on each side by single-family homes and local commercial establishments. The name of the gang ("Big Money Bosses") and the other allusions to wealth that the gang employs (for example, the brand-name clothing retailers used to

identify leadership positions) all serve to underscore this difference. In addition, members and associates of BMB have publicly mocked the living conditions of the housing developments in which many of their rivals live. For example, in a Facebook post on July 10, 2014, BMB member DONQUE TYRELL, a/k/a “Polo Rell,” posted a photograph of a young child laying on a bed and covered with cockroaches, with the caption “MEANWHILE IN EDENWALD.” In connection with the posting of this picture, TYRELL wrote, “Dirty ass project,” followed by six smiley-face “emoticons.” Similarly, in a Facebook posting on May 28, 2014, BMB member MASHUD YODA, a/k/a “Papa Ola,” writes, “No Lie ECG [*i.e.*, the Eastchester Gardens] The Dirtiest PROJECTS UPTOWN Like OBAMA Said CHANGE But I Guess He forgot Bout ECG !!”

Consistent with this feature of BMB, members and associates of the gang engaged not only in narcotics distribution and robberies to enrich and distinguish its members from rivals, but also engaged in a variety of frauds, including bank fraud and counterfeit currency offenses. To perpetrate some of these fraud offenses, BMB members and associates often employed their girlfriends and female acquaintances.

C. Wright’s Role with the Gang

Wright is a member of the Bloodhound Brim set of the Bloods gang, but is affiliated with BMB. Wright took pride in his affiliation with the Gang, as evidenced by a rap video entitled “Guns Clappin’” posted on YouTube on September 13, 2014. In the video, Wright raps with one of the most violent members of BMB, Donque Tyrell, a/k/a “Polo Rell,” and BMB associate Crissean Chevers, a/k/a “Big Red.” Others who appear in the video include BMB member Ivanjoel Aryeetey, a/k/a “Ijoe,” a/k/a “Ivan.” In the video, Chevers raps, “my whole hood buggin’ / since Quay died / they buggin’ for Donny Bz at the same time,” references to slain

BMB members Quayshawn Thomas, a/k/a “Quay,” and Donville Simpson, a/k/a “Donny.”

Wright states, “I’m from uptown / White Plains Road / where if a n****a’ catch you slippin’ then they lettin’ it go.” Wright is asserting that his crew will shoot at rival gang members if they are not careful. Wright adds, “you better ride for your mans, n****a, and if you get caught up you better lie on the stand, n****a,” an encouragement to his fellow Gang associates to perjure themselves on the stand rather than speak of the Gang’s crimes.

Wright also appears in a rap video entitled “Duce Bigga- In The Field,” posted on YouTube on May 9, 2015, in which BMB member Barffour Abeberse, a/k/a “BB,” a/k/a “Duce Bigga,” states, among other things, “them n****s ain’t from B Road, them n****s ain’t from White Plains, them n****s ain’t got Big Money, them n****s can’t check my game.” The reference to “B Road” is a reference to BMB’s drug spot on Boston Road and Eastchester Road; the reference to “White Plains” is a reference to BMB’s territory on White Plains Road; and the reference to “Big Money” is a reference to the name of the Gang. In addition to Wright and Abeberse, BMB member Dominick Sherland, a/k/a “D-Nick,” who murdered Jeffrey Delmore in 2010, appears in the video.

Wright sold marijuana at BMB’s drug spot on 224th Street. He has a litany of arrests, most of which were in BMB territory. On February 17, 2010, Wright was arrested at White Plains Road and 223rd Street after he sold marijuana to an undercover police officer. On March 2, 2010, Wright was arrested on White Plains Road and 230th Street after selling marijuana to an undercover police officer. On September 9, 2010, Wright was arrested at the “Forts” location on White Plains Road and 224th Street in possession of eight bags of marijuana. On June 28, 2011, Wright was arrested at the “Forts” location with BMB member Richard Phillips, a/k/a “G-Mack,” while in custody and control of marijuana and drug paraphernalia. Wright was arrested

again on July 12, 2011 at the “Forts” location while he and BMB member Dante Stephens, a/k/a “Jibba,” were found to be in possession of marijuana. On November 14, 2012, Wright was arrested at White Plains Road and 223rd Street while in possession of 23 clear bags containing marijuana. On October 13, 2013, Wright was arrested in the vicinity of White Plains Road and 227th Street after he was observed handing several clear bags of marijuana to another individual; when police officers approached, Wright threw a bag of marijuana in an attempt to conceal the evidence. On April 18, 2014, Wright was arrested in the vicinity of White Plains Road and 227th Street after he was observed to be in possession of six ziplock bags of marijuana in plain view. On June 7, 2014, Wright was observed inside of 673 East 224th Street, an abandoned home in foreclosure just off of the “Forts” intersection of White Plains Road and 224th Street. Upon entering the house, police officers observed in plain view a clear plastic bag containing crack cocaine, a clear plastic bag containing three valium pills, a clear plastic bag of marijuana, and drug paraphernalia. On July 29, 2014, Wright was arrested at White Plains Road and 232nd Street with a green-handled scalpel and five ziplock bags of marijuana. On September 24, 2014, Wright was arrested at Carpenter Avenue and 219th Street after he sold marijuana to an undercover police officer. On February 21, 2015, Wright was arrested at White Plains Road and 227th Street in possession of 15 clear glassine bags of marijuana. On October 27, 2015, Wright was arrested at Conner Street and the New England Thruway in Manhattan after his vehicle was stopped for an infraction and he was found to be in possession of a scale with marijuana residue, marijuana, and baggies. Finally, on November 29, 2015, Wright was arrested just outside of the Eastchester Gardens after his vehicle was stopped there for driving in a reckless manner, and he was found to be in possession of three sharp cutting objects and nine bags of marijuana.

Wright also threatens to use a firearm in a rap video posted on YouTube on November 1, 2013 entitled “NYPDK,” meaning NYPD Killer. In the video, Wright disparages “ratting ass n***s” who are “talking to police,” and warns that “if I ever catch them slipping, guaranteed it’s R.I.P.”

II. The Defendant’s Criminal History

Four of Wright’s drug arrests resulted in misdemeanor convictions in 2009, 2012, 2013, and 2014. (PSR ¶¶ 43-50.)

III. The PSR and Guidelines Calculation

The parties have stipulated to a Guidelines range of 21 to 27 months’ imprisonment, which reflects a downward departure pursuant to U.S.S.G. § 2E1.1, Application Note Four. The Probation Office calculates a range of 24 to 30 months, evidently because they did not agree with this departure. However, the Government continues to believe that the departure is appropriate because the Probation Office’s range would create an anomalous result; all of Wright’s convictions go to the very core of his racketeering conduct.

3553(a) ARGUMENT

For the reasons that follow, a sentence within the Guidelines range is necessary to meet the statutory sentencing factors, in particular to provide just punishment and afford adequate deterrence to criminal conduct.

To be sure, Wright was a low level marijuana dealer with BMB—his Guidelines range already reflects that. And in the absence of his extraordinarily long arrest history and pronounced loyalty to the Gang, the downward variance sought might be appropriate. But there are factors in this case that warrant a more substantial sentence. Wright was arrested countless times in BMB territory but was not remotely deterred from continuing to sell drugs. He clearly

has no respect whatsoever for the law, much less for the children and families forced to walk past BMB's drug spot every day and see Wright and his co-conspirators dealing drugs in the open air. Also troubling is the pride Wright took in his affiliation with BMB and its core norms, appearing in rap videos that espouse violence against the police and cooperators. It is important to send a message to Wright and others who affiliate with a violent street gang and turn a residential neighborhood into an open air drug market that this conduct is intolerable and will be punished commensurately.

CONCLUSION

For the foregoing reasons, the Government respectfully requests that the Court impose a sentence within the range of 21 to 27 months.

Dated: New York, New York
July 14, 2017

Respectfully submitted,

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